

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAR 01 2016

Clerk, U.S. District Court
District Of Montana
Missoula

In re: GREGORY L. WALLACE

CV 16-12-M-DLC-JCL

ORDER

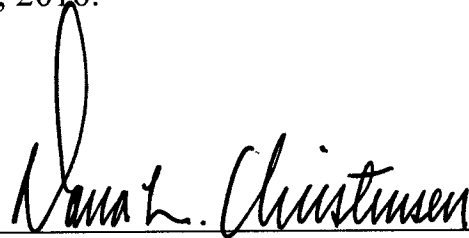
United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on January 26, 2016, recommending that this matter be closed because Plaintiff Gregory Wallace (“Wallace”), who filed what Judge Lynch construed as a civil complaint, has neither paid the Court’s filing fee nor qualifies for *in forma pauperis* status under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). Wallace is not entitled to file written objections to Judge Lynch’s recommendations, pursuant to 28 U.S.C. § 636(b). *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam) (“[the plaintiff] was not entitled to file written objections to the magistrate judge’s recommendation that [his] application to proceed *in forma pauperis* be denied”). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the

Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch’s finding that Wallace has filed four civil actions which have been dismissed for failure to state a claim, and his conclusion that Wallace is ineligible to proceed *in forma pauperis* as a result. Furthermore, Wallace has not remitted the filing fee within the thirty day period following the date of Judge Lynch’s findings and recommendations.

Accordingly, IT IS ORDERED that Judge Lynch’s findings and recommendations (Doc. 2) are ADOPTED IN FULL. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 1st day of March, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court